

ORIGINAL

17CV4363

KIM CARL

(In the space above enter the full name(s) of the plaintiff(s).)

COMPLAINT

under the

Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)

-against-

City of Yonkers Yonkers Police
Dept 344 Pct

PO Brian McCormack PO Hernandez
Shield # 1017 PO Gene Dolce 951
PO Christopher Munro # 1099 PO Tabor
Phelps # 1054 LeShawne Hogue # 47
PO Flood PO Duncan of Esch
Sgt Al Sange # 108 Sgt Andrew
Bergamini and Towling Company
Don - C/O, Blade 1103, 3rd Pct.

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

Jury Trial: ☒ Yes ☐ No
(check one)

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I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff

Name

KIM CARL

ID #

30021

Current Institution

Westchester County Correction

Address

PO Box 10 Wood Rd
Valhalla NY 10595

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name

Brian McCormack

Shield #

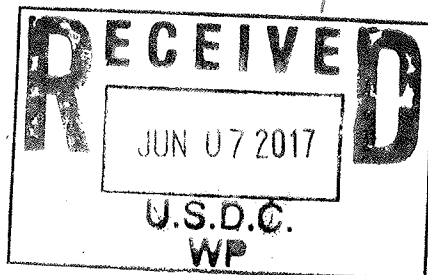
Where Currently Employed

Yonkers Police Dept 4th Pct

Address

City of Yonkers 104 S Broadway
Yonkers NY 10701

Rev. 05/2010



Defendant No. 2

Name Lashawned Hogue Shield # 47
 Where Currently Employed ~~Yonkers~~ City of Yonkers
 Address 104 S Broadway
Yonkers NY 10701

Defendant No. 3

Name Christopher Mawz Shield # 1099
 Where Currently Employed City of Yonkers
 Address 104 S Broadway
Yonkers NY 10701

Defendant No. 4

Name Sgt Al L Saxe Shield # 108
 Where Currently Employed City of Yonkers
 Address 104 S Broadway
Yonkers NY 10701

Defendant No. 5

Name Sgt Andrew BERGMAN Shield #
 Where Currently Employed ~~Yonkers~~ City of Yonkers
 Address 104 S Broadway
Yonkers NY 10701

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?

It happen on street between Manhattan Bridge
ON 5 AVE and 3 AVE BRONX New York

B. Where in the institution did the events giving rise to your claim(s) occur?

ON the street 3 AVE in BRONX NY

C. What date and approximate time did the events giving rise to your claim(s) occur?

9/24/16 about 9:15 pm I was hit from the
rear coming off the Manhattan Bridge on 5 AVE
ON 3 AVE BRONX by unmark YONKERS police car.

D.

Facts:

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

ON 9/24/16 I was driving my Mother 2004 ~~Mat~~ ^{Mer}u giant I went to Harlem at 7:15pm it was Harlem week and African American day so I went to see friend and see some of the marching band that were come from different state to march in the parade the next days I watch them practice at the Harlem Armory about 9:15pm I decide to head back to Yonkers so I drove to 125 street got on to Madison Ave Drove to the 5 Ave Manhattan bridge on 138 street I was in the right hand I got in to the left lane as I was going to turn to get on to Major Deegan Expressway my Mother car was hit from the back I put the car in park to see what happen I saw uniform Police Officer and this face I saw before the uniform officer was not NY/PA he was Yonkers Police Officer Name Brian McCormack who assault me on 1/22/02 and 9/6/01 I could ^{not} understand why he was out of his jurisdiction then it hit me the 440 motion I had a lawyer put in to get exonerated for assault on Yonkers Police I did not do I done 15 years on Parkway testimony conspiracy PO Brian McCormack ask me for my licence when I pull out my wallet see Atch =>

III. Injuries

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

My wrist bone was shattered my knuckle broke cut with knife stitches 4 operation and I can pick up with hand or make close fist these injuries for life damage operation and treatment was at Lincoln Hospital hand center BRONX NY

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ___ No X on street

he Knock it out my hand grab my left hand put it
in marthal art hold and shudder my wrist causing the bone
to break through top of my hand and skin dislocate my Knuckles
Took out a black Knife and cut the pome of my hand
and cut in between thumb and pointer finger
My hand went in to tream I lost a lot of
blood and almost die they lie and state I
toke them on high speed chase this untrue
their video footage on degeen expressway and
On the Marthattan bridge 5 Ave and 3 Ave in brooklyn
Showing what happen my car Never turn
over this was lies and Powell v Alaxander
391 F.3d 1 (Ct. Cir) 2004

Relatiation for exercise of First Amendment
Right is actionable under 1983

I have went under 4 Operation my
Knuckle out sock it they had to retract my thumb
I Cant make a fist any more or pick up
a bone was remove out of my hand

This was Yonkers Police brutality
and assault in first degree the New York City

Police Dept did not backup the City of
Yonkers ^{POLICE} report my 14 5 6 8 amendment

Right have been violated and falsely
incarcerated and Charge with false

Charges I have picture and Medical
records and witness as well

Video Footage YONKERS Police had

No Parable Cause to hit the car

Or arrest me out their Jurisdiction

when and how, and their response, if any: I wrote Complaint
Yankers @ internal affairs
No response

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I wrote up Complaint to the
Yankers internal affairs

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. **Relief:**

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount).

30 Million dollars Damages
Hospital Bill Car repair Pain suffering emotional stress
Compensatory damage punitive damages
mental anguish
anxiety emotional trauma
Monell Claim PTSD All these system I
going through this 3rd Yankers police brutality
incident with the same player

I ask the Court to relief the amount of
30 million Dollars Compensatory Damage
My left

VI. **Previous lawsuits:**

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ☒ No ☐

On
these
claims

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff YONKERS Police DEPT

Defendants Kim Carl

2. Court (if federal court, name the district; if state court, name the county) Westchester
Southern District 11/2/00

3. Docket or Index number _____

4. Name of Judge assigned to your case Bryant

5. Approximate date of filing lawsuit 2/13/00

6. Is the case still pending? Yes _____ No X

If NO, give the approximate date of disposition 2006

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) NO

On
other
claims

- C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?
Yes _____ No X

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff YONKERS Police DEPT

Defendants Kim Carl

2. Court (if federal court, name the district; if state court, name the county) Westchester
Southern District 9/6/01

3. Docket or Index number _____

4. Name of Judge assigned to your case Smith

5. Approximate date of filing lawsuit October 2001

6. Is the case still pending? Yes _____ No X

If NO, give the approximate date of disposition 11/2009

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) NO

I declare under penalty of perjury that the foregoing is true and correct.

Signed this ____ day of _____, 20__.

Signature of Plaintiff

Inmate Number

Institution Address

Thom Carl
30021
Westchester County
Correction PO Box 10
Woodside
Valhalla NY 10595

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this ____ day of _____, 20__, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Thom Carl

km Carl #30021

C/o Martha DeBerry
101 Highland Ave. Apt 1c
Yonkers, N. Y 10705

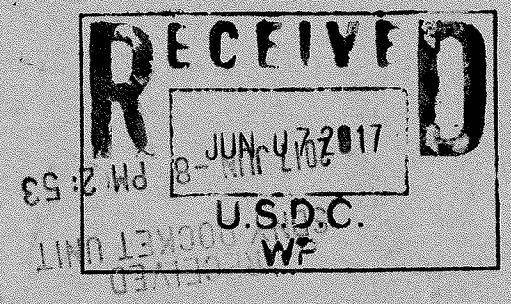


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